

**REMARKS**

This is in response to the Final Office Action dated September 21, 2005, in which claims 1-11, 13-15, 18, 20, 21, 24, and 26-31 were allowed and claim 41 was rejected under 35 U.S.C. § 102(b) as being anticipated by Thoma et al. (US 5569523). With this Amendment, claim 41 has been amended. In reliance on the following remarks, the present application with pending claims 1-11, 13-15, 18, 20, 21, 24, 26-31, and 41 is in condition for allowance, and reconsideration and notice to that effect is respectfully requested.

**Claim rejection under 35 U.S.C. § 102(b)**

In the Office Action, claim 41 was rejected under 35 U.S.C. § 102(b) as being anticipated by Thoma et al. The Office Action asserts that the term “generally” adds a degree of latitude in interpreting the term “perpendicular”. In order to clarify claim 41, claim 41 has been amended to replace the phrase “generally perpendicular” with “about 90°”. Thoma et al. does not show, suggest, or teach a magnetic material layer having a columnar structure oriented about 90° to the substrate surface while the c-axis and the easy axis of the magnetic material layer are tilted. As amended, claim 41 requires columnar structures that are oriented about 90° to the substrate surface. Thoma et al. does not show, suggest, or teach that the magnetic material layer has a columnar structure oriented about 90° to the substrate surface. As amended claim 41 is in condition for allowance, the rejection to claim 41 should be withdrawn and claim 41 allowed.

**Examiner Interview**

Applicant had an Examiner Interview on November 1, 2005 regarding the Final Office Action mailed on September 21, 2005. In the Examiner Interview, Examiner and Applicant discussed the rejection of claim 41 under 35 U.S.C. § 102(b). Applicant asked Examiner to clarify the rejection, and in particular, to clarify the rejection in regard to the phrase “generally perpendicular.” Examiner indicated

that the phrase "generally perpendicular" was the focal point of the rejection with regard to the Thoma et al. reference because the phrase added a degree of latitude in interpreting the term "perpendicular." Examiner then suggested that the phrase either be supported by information in the specification, or amended to further clarify the meaning of "generally perpendicular" in order to overcome the rejection of claim 41 under 35 U.S.C. § 102(b).

**Conclusion**

In view of the foregoing, pending claims 1-11, 13-15, 18, 20, 21, 24, 26-31, and 41 are in condition for allowance. A notice to that effect is respectfully requested.

Respectfully submitted,

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Date: 11/08/05

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